

02/21/02

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Approved for use through 10/31/2002. OMB 0651-0032

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. **ICC-127.0 (84273)**First Inventor **Ashley J. Birkett**Title **INFLUENZA IMMUNOGEN AND VACCINE**Express Mail Label No. **EL854692726US**

APPLICATION ELEMENTS		ADDRESS TO:	
See MPEP chapter 600 concerning utility patent application contents		Assistant Commissioner for Patents Box Patent Application Washington, D.C. 20231	
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original, and a duplicate for fee processing)	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)		
2. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.	8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)		
3. <input checked="" type="checkbox"/> Specification <i>[Total Pages</i> 106 <i>]</i> (preferred arrangement set forth below)	a. <input checked="" type="checkbox"/> Computer Readable Form (CRF)		
- Descriptive title of the invention	b. Specification Sequence Listing on:		
- Cross Reference to Related Applications	i. <input type="checkbox"/> CD-ROM or CD-R (2 copies), or		
- Statement Regarding Fed sponsored R & D	ii. <input checked="" type="checkbox"/> paper		
- Reference to sequence listing, a table, or a computer program listing appendix	c. <input checked="" type="checkbox"/> Statements verifying identity of above copies		
- Background of the Invention			
- Brief Summary of the Invention			
- Brief Description of the Drawings (if filed)			
- Detailed Description			
- Claim(s)			
- Abstract of the Disclosure			
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <i>[Total Sheets</i> 7 <i>]</i>			
5. Oath or Declaration <i>[Total Pages</i> <input type="checkbox"/>]			
a. <input type="checkbox"/> Newly executed (original or copy)	9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))		
b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed)	10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney (when there is an assignee)		
i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)	11. <input type="checkbox"/> English Translation Document (if applicable)		
6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations		
17. <input checked="" type="checkbox"/> Other: UNEXECUTED DECLARATION AND POWER OF ATTORNEY			

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP) of prior application No.: **09/930,915**

Prior application information Examiner _____

Group / Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	(Insert Customer No. or Attach bar code label here)				
or <input checked="" type="checkbox"/> Correspondence address below					
Name	Edward P. Gamson, Esq. WELSH & KATZ, LTD.				
Address	120 South Riverside Plaza 22nd Floor				
City	Chicago	State	Illinois	Zip Code	60606
Country	USA	Telephone	(312) 655-1500		Fax (312) 655-1501

Name (Print/Type)	Edward P. Gamson	Registration No. (Attorney/Agent)	29,381
Signature		Date	02/21/02

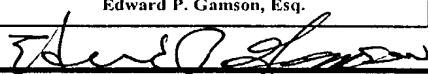
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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)				Docket No. ICC-127.0 (84273)
Applicant(s): Ashley J. Birkett				
Serial No. New Application	Filing Date February 21, 2002	Examiner Unknown	Group Art Unit Unknown	
Invention: INFLUENZA IMMUNOGEN AND VACCINE				
<p>I hereby certify that this <u>Appln and Fee Transmittal Forms, Patent Appn and its stated enclosures and fee</u> <small>(Identify type of correspondence)</small></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231-0001 on <u>February 21, 2002</u> <small>(Date)</small></p>				
<p>Fred Franks <small>(Typed or Printed Name of Person Mailing Correspondence)</small></p>  <small>(Signature of Person Mailing Correspondence)</small>				
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FEE TRANSMITTAL for FY 2002		<i>Complete if Known</i>	
<i>Patent fees are subject to annual revision</i>		Application Number	Unknown
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	February 21, 2002
TOTAL AMOUNT OF PAYMENT		\$487.00	
		First Named Inventor	Ashley J. Birkett
		Examiner Name	Unknown
		Group Art Unit	Unknown
		Attorney Docket No.	(84273) ICC-127.0 US

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																			
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account Deposit Account Number 23-0920		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> </tr> </thead> <tbody> <tr> <td>Fee Code</td> <td>Fee (\$)</td> <td>Fee Code</td> <td>Fee (\$)</td> <td>Fee Description</td> <td>Fee Paid</td> </tr> </tbody> </table>		Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																										
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<input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Credit any overpayments <input type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input checked="" type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.		105 130 205 65 Surcharge - late filing fee or oath 127 50 227 25 Surcharge - late provisional filing fee or cover sheet 139 130 139 130 Non - English specification 147 2,520 147 2,520 For filing a request for ex parte reexamination 112 920* 112 920* Requesting publication of SIR prior to Examiner action 113 1,840* 113 1,840* Requesting publication of SIR after Examiner action 115 110 215 55 Extension for reply within first month 116 400 216 200 Extension for reply within second month 117 920 217 460 Extension for reply within third month 118 1,440 218 720 Extension for reply within fourth month 128 1,960 228 980 Extension for reply within fifth month 119 320 219 160 Notice of Appeal 120 320 220 160 Filing a brief in support of an appeal 121 280 221 140 Request for oral hearing 138 1,510 138 1,510 Petition to institute a public use proceeding 140 110 240 55 Petition to revive - unavoidable 141 1,280 241 640 Petition to revive - unintentional 142 1,280 242 640 Utility issue fee (or reissue) 143 460 243 230 Design issue fee 144 620 244 310 Plant issue fee 122 130 122 130 Petitions to the Commissioner 123 50 123 50 Processing fee under 37 CFR § 1.17(q) 126 180 126 180 Submission of Information Disclosure Statement 581 40 581 40 Recording each patent assignment per property (times number of properties) 146 740 246 370 Filing a submission after final rejection (37 CFR § 1.129(a)) 149 740 249 370 For each additional invention to be examined (37 CFR § 1.129(b)) 179 740 279 370 Request for Continued Examination (RCE) 169 900 169 900 Request for expedited examination of a design application Other fee (specify) _____																																																																			
1. BASIC FILING FEE <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> </tr> <tr> <th>Fee Code (\$)</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Code (\$)</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>101 740</td> <td>201 370</td> <td>Utility filing fee</td> <td></td> <td></td> <td></td> <td>370.00</td> </tr> <tr> <td>106 330</td> <td>206 165</td> <td>Design filing fee</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>107 510</td> <td>207 255</td> <td>Plant filing fee</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>108 740</td> <td>208 370</td> <td>Reissue filing fee</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>114 160</td> <td>214 80</td> <td>Provisional filing fee</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="2" style="text-align: right;">SUBTOTAL (1)</td> <td colspan="2" style="text-align: right;">\$370.00</td> <td colspan="3"></td> </tr> </tbody> </table>		Large Entity	Small Entity	Fee Code (\$)	Fee (\$)	Fee Description	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid	101 740	201 370	Utility filing fee				370.00	106 330	206 165	Design filing fee					107 510	207 255	Plant filing fee					108 740	208 370	Reissue filing fee					114 160	214 80	Provisional filing fee					SUBTOTAL (1)		\$370.00					2. EXTRA CLAIM FEES FOR UTILITY AND DESIGN PATENTS <table border="1"> <thead> <tr> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Total Claims 33 -20** = 13</td> <td>X 9.00</td> <td>= 117.00</td> </tr> <tr> <td>Independent Claims 2 - 3** = 0</td> <td>X 42.00</td> <td>= 0.00</td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> </tr> <tr> <td colspan="2" style="text-align: right;">SUBTOTAL (2)</td> <td style="text-align: right;">\$117.00</td> </tr> </tbody> </table>		Extra Claims	Fee from below	Fee Paid	Total Claims 33 -20** = 13	X 9.00	= 117.00	Independent Claims 2 - 3** = 0	X 42.00	= 0.00	Multiple Dependent			SUBTOTAL (2)		\$117.00
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**or number previously paid, if greater; For Reissues, see above		*Reduced by Basic Filing Fee Paid 117.00 370.00 117.00 370.00 117.00 370.00 117.00 370.00																																																																			

SUBMITTED BY		<i>Complete if applicable</i>		
Name (Print/Type)	Edward P. Gamson, Esq.	Registration No. (Attorney/Agent)	29,381	Telephone (312) 655-1500
Signature			Date	February 21, 2002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashley J. Birkett)	
)	Attorney Docket:
Serial No.: Not yet assigned)	
)	ICC-127.0
Filing Date: February 21, 2002)	(4564/84273)
)	
For: INFLUENZA IMMUNOGEN AND VACCINE)	Group Art Unit:
)	Unknown
Examiner: Not yet assigned)	

STATEMENT UNDER 37 CFR § 1.821(f)

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Sir:

I hereby state that the enclosed computer readable form of the Sequence Listing (file: ICC127prj.ST25.txt in ASCII format copied onto the accompanying diskette from PatentIn Ver. 3.1 on this date) and the paper copy of the Sequence Listing (pages 1 through 25) forming a part of the disclosure of the invention filed herewith on this day are identical.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title

New CIP Patent Application -2-
Ashley J. Birkett

18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

By 
Edward P. Gamson, Reg. No. 29,381

Enclosures

Computer Readable Disk and Sequence List
Patent Application and Fee
Unexecuted Declaration and Power of Attorney
Transmittal Letter
Application Data Sheet
Fee Sheet

WELSH & KATZ, LTD.
120 South Riverside Plaza, 22nd Floor
Chicago, Illinois 60606
Phone (312) 655-1500
Fax No. (312) 655-1501

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this Statement, together with a Computer readable disk, Transmittal Letter and its stated enclosures and Patent Application and Fee, are being deposited with the United States Postal Service as Express Mail Label No. EL854692726US, postage prepaid, in an envelope addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on February 21, 2002.

